

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:24-00144

RANDY HIGHTOWER

MEMORANDUM OPINION AND ORDER

Pending before the court are the motions of defendant Randy Hightower to extend the deadline to file pretrial motions (ECF No. 34) and to continue trial. (ECF No. 33.) In support of defendant's motions, counsel for defendant explains that he has several scheduling conflicts with the current trial date. Counsel further explains that the defendant has been transferred to a new facility and he needs additional time to meet with the defendant and review discovery. The government does not object to a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motions to continue. In deciding to grant defendant's motions, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the

exercise of due diligence.” Id. § 3161(h)(7)(B)(iv). The court further considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion “would deny . . . the defendant continuity of counsel” Id. § 3161(h)(7)(B)(iv).

Accordingly, the court hereby **ORDERS** as follows:

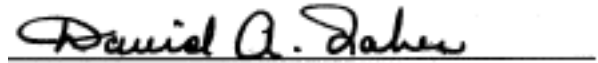
1. The deadline for the filing of pretrial motions is continued to February 24, 2025;
2. The Pretrial Motions Hearing is continued to March 5, 2025, at 2:00 p.m. in Bluefield;
3. Jury Instructions and Proposed Voir Dire are due by April 15, 2025;
4. Trial of this action is continued to April 22, 2025, at 9:30 a.m. in Bluefield; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States

Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 3rd day of February, 2025.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge